

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rubin ESTRADA-Villalobos,

Defendant

07 NOV -5 AM 10:18

) Magistrate Docket No.

) SOUTHERN DISTRICT OF CALIFORNIA

07 MJ 2594

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326

) Deported Alien Found in the

) United States

The undersigned complainant, being duly sworn, states:

On or about **November 4, 2007** within the Southern District of California, defendant, **Rubin ESTRADA-Villalobos**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5<sup>th</sup> DAY OF NOVEMBER, 2007

  
Cathy A. Bencivengo  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Rubin ESTRADA-Villalobos****PROBABLE CAUSE STATEMENT**

On November 4, 2007, at approximately 12:30 A.M., Border Patrol Agent J. Nava was performing line watch duties near an area known as Whiskey 8. This area is approximately two miles west of the San Ysidro, California, Port of Entry and is approximately two-hundred yards north of the United States / Mexico International Boundary Fence.

The east scope operator advised agents via service radio, that he observed an individual cross the international boundary fence and run north into the Whiskey 8 area. Subsequently, the east scope operator guided Agent Nava to the area where the individual was last seen. Agent Nava approached the individual later identified as the defendant, **Rubin ESTRADA-Villalobos**, identified himself as a Border Patrol Agent, and questioned the defendant as to his country of citizenship and nationality. The defendant admitted to being citizen and national of Mexico without any immigration documents allowing him to enter or remain in the United States legally. Agent Nava arrested the defendant and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **September 26, 2007** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.